

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MONIQUE SYKES, RUBY COLON, REA  
VEERABADREN, FATIMA GRAHAM, KELVIN  
PEREZ, SAUDY RIVERA, PAULA ROBINSON,  
and ENID ROMAN, individually and on behalf of  
all others similarly situated,

Plaintiffs,

- against -

MEL S. HARRIS AND ASSOCIATES LLC; MEL  
S. HARRIS; MICHAEL YOUNG; DAVID  
WALDMAN; KERRY LUTZ; TODD  
FABACHER; MEL HARRIS JOHN/JANE DOES  
1-20; LEUCADIA NATIONAL CORPORATION;  
L-CREDIT, LLC; LR CREDIT, LLC; LR CREDIT  
10, LLC; LR CREDIT 12, LLC; LR CREDIT 14,  
LLC; LR CREDIT 18, LLC; LR CREDIT 19, LLC;  
JOSEPH A. ORLANDO; PHILIP M. CANNELLA;  
LR CREDIT JOHN/JANE DOES 1-20;  
SAMSERV, INC.; WILLIAM MLOTOK;  
BENJAMIN LAMB; MICHAEL MOSQUERA;  
JOHN ANDINO; HUSAM AL-ATRASH;  
ASSMAT ABDELRAHMAN; and SAMSERV  
JOHN/JANE DOES 1-20,

Defendants.

ECF Case  
No. 09 Civ. 8486 (DC)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of  
Plaintiffs' Motion for Class Certification and Motion to Amend the Complaint, the Declaration  
of Nicholas Egleson, dated April 14, 2011 and the exhibit annexed thereto, the Declaration of  
Eisha Jain dated April 15, 2011 and the exhibits annexed thereto, the Declaration of Herman De  
Jesus dated April 15, 2011, and upon all prior pleadings, Plaintiffs, by their counsel Emery Celli  
Brinckerhoff & Abady, LLP, the Neighborhood Economic Development Advocacy Project, and  
MFY Legal Services, Inc., will move this Court at the United States Courthouse for the Southern

District of New York, 500 Pearl Street, New York, New York, before the Honorable Denny Chin, United States Circuit Judge, for an Order:

1. Certifying a plaintiff class, pursuant to Fed R. Civ. P. 23(b)(1)(A), 23(b)(2) and/or 23(b)(3), consisting of all persons who have been or will be sued by the Mel Harris Defendants, as counsel for the Leucadia Defendants, in actions commenced in New York City Civil Court and where a default judgment has been obtained, or will be sought.
2. For an order pursuant to Fed. R. Civ. P. 15 granting leave to amend the complaint.
3. For such other and further relief as may be just and proper.

Dated: April 15, 2011  
New York, New York

EMERY CELLI BRINCKERHOFF  
& ABADY LLP

By: \_\_\_\_\_/s/\_\_\_\_\_  
Matthew D. Brinckerhoff  
Eisha Jain  
75 Rockefeller Plaza, 20<sup>th</sup> Floor  
New York, New York 10019  
212-763-5000

NEIGHBORHOOD ECONOMIC  
DEVELOPMENT ADVOCACY PROJECT  
(NEDAP)

By: \_\_\_\_\_/s/\_\_\_\_\_  
Susan Shin  
Claudia Wilner  
Josh Zinner  
176 Grand Street, Suite 300  
New York, NY 10013  
212-680-5100  
MFY LEGAL SERVICES, INC.

By: \_\_\_\_/s/\_\_\_\_\_  
Carolyn E. Coffey  
Anamaria Segura  
Of Counsel to Christopher D. Lamb, Esq.  
299 Broadway, 4<sup>th</sup> Floor  
New York, New York 10007  
212-417-3701

*Attorneys for Plaintiffs*